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STATE PASS USTR FOR AUSTR WEISEL, DAUSTR BELL, J MCHALE, AND C  
HINCKLEY

SENSITIVE  
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E.O. 12958: N/A  
TAGS: [ECPS](#) [ETRD](#) [ECON](#) [USTR](#) [SN](#)  
SUBJECT: GOS RESPONDS TO SECTION 1377 TELECOM COMMENTS FROM U.S.  
INDUSTRY

REF: A) STATE 3689

B) 07 SINGAPORE 1134

1. (U) The Ministry of Information, Communication and the Arts (MICA) submitted the following letter dated January 25 to USTR and post in response to public comments filed by the United States Council for International Business (USCIB) for Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 concerning compliance with telecommunications trade agreements (ref A).

2. (SBU) Begin text:

REPLY COMMENTS OF THE MINISTRY OF INFORMATION, COMMUNICATION AND THE ARTS, SINGAPORE

The Ministry of Information, Communications and the Arts (MICA), Singapore refers to the comments filed by the United States Council for International Business (USCIB) concerning the process for a telecommunication licensee to appeal to the Minister for Information, Communications and the Arts against a decision/direction by the Info-communications Development Authority of Singapore (IDA). MICA welcomes the opportunity to once again clarify our appeal process and to offer our assurance to industry players of the credibility of our decision-making process. Notwithstanding our clarifications last year, the USCIB's comments filed this year are virtually the same as those filed the year before. Nevertheless, we will re-iterate our response to the USCIB's comments on this matter and we hope that this will offer the USCIB a clearer and more accurate understanding of the appeals process.

Under the Telecommunications Act, an aggrieved telecommunication licensee may appeal to the Minister for Information, Communications and the Arts against a decision/direction by the IDA within 14 days of the issuance of such decision/direction. The appeal procedure is designed to provide a direct recourse for the aggrieved licensee. In considering the appeal, the Minister adopts a process that is transparent to the parties involved in the appeal. All submissions by one party are copied to the other party for comments and response. Such a process enables the parties to the appeal to make their full representations after having regard to the arguments raised by the other party. It also ensures that all the relevant information is placed before the Minister so that he can properly evaluate the merits of the appeal. Based on information adduced in the appeal, the Minister will then determine the appeal and the grounds for his decision are set out in a letter which is communicated to the parties.

There has been feedback from some licensees to make appeal submissions publicly available. However, we are unable to release such submissions to the public domain because they contain

commercially sensitive information submitted by the parties for the purpose of the appeal.

While our appeal process is generally restricted to the parties to the appeal, the Minister is also empowered to obtain representations from persons who are not parties to the appeal but who appear to the Minister to have relevant information. The existence of such discretion gives the Minister the flexibility of determining the most expeditious way to deal with the issues in question and we are of the view that the appeal process would be unwieldy and protracted if the Minister is required to seek comments from the public for all appeals. The exercise of such discretionary powers has enabled the speedy resolution of appeals to the Minister, thereby reducing business uncertainty in the Singapore telecommunications industry.

Our appeal process has worked well. It balances the importance of reducing business uncertainty and unpredictability while providing recourse for aggrieved licensees to appeal against a regulatory decision/direction by the IDA.

MICA would also like to again correct the continual misperception of the USCIB that the right of judicial review is absent in the Singapore telecommunications environment. Judicial review is a remedy that is available in Singapore. The merits of such judicial review applications would be determined by our High Courts.

MICA notes that the USCIB has raised some regulatory issues in the Singapore telecommunications sector to which the IDA has separately responded. We trust that the IDA'S reply helps to clarify the regulatory framework of the Singapore telecommunications sector.

We wish to assure the industry that the Singapore telecommunications sector is governed by clear and sound principles and decisions are taken in a credible and transparent manner that seeks to reduce business uncertainty.

Yours Faithfully,

HO Chee Pong  
Director (Infocomms & Media Devt)  
For Permanent Secretary  
Ministry of Information, Communications and the Arts

End Text.

Herbold